PS 8C
(05/08)

June 5, 2008

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

FILED
JUN - 5 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

Petition for Summons for Defendant on Pretrial Release

Name of Defendant: Madrigal, Reymundo Marcial (English) **Dkt No.:** 08CR1322-001

Reg. No.: 08132-298

Name of Judicial Officer: The Honorable Ruben B. Brooks, U.S. Magistrate Judge

Next Court Date: August 11, 2008, at 10:30 a.m. (Sentencing)

Charged Offense: 8 USC 1324 (a)(2)(B)(iii)- Bringing in Illegal Alien Without Presentation

Date Conditions Ordered: April 11, 2008, before the Honorable Ruben B. Brooks

Conditions of Release: restrict travel to State of California; report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court; not possess or use any narcotic drug or other controlled substance as defined in 21 U.S.C.§ 802, without a lawful medical prescription; not possess any firearm or other dangerous weapon or explosive device; read, or have explained, and acknowledge understanding of the Advice of Penalties and Sanctions Forms; provide the court a current residence address and telephone number prior to release from custody and keep it current while the case is pending; and be able to legally remain in the United States during pendency of the proceeding.

Modification: April 24, 2008, Judge Brooks added drug testing (not to exceed eight times a month)

Date Released on Bond: April 24, 2008

Asst. U.S. Atty.: Mark Conover
(619) 557-5200

Defense Counsel: Martha Hall, appointed
(619) 544-1451

Prior Violation History: None

PS 8C
(05/08)

June 5, 2008

FILED
JUN - 5 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

Petition for Summons for Defendant on Pretrial Release

Name of Defendant: Madrigal, Reymundo Marcial (English) **Dkt No.:** 08CR1322-001

Reg. No.: 08132-298

Name of Judicial Officer: The Honorable Ruben B. Brooks, U.S. Magistrate Judge

Next Court Date: August 11, 2008, at 10:30 a.m. (Sentencing)

Charged Offense: 8 USC 1324 (a)(2)(B)(iii)- Bringing in Illegal Alien Without Presentation

Date Conditions Ordered: April 11, 2008, before the Honorable Ruben B. Brooks

Conditions of Release: restrict travel to State of California; report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court; not possess or use any narcotic drug or other controlled substance as defined in 21 U.S.C.§ 802, without a lawful medical prescription; not possess any firearm or other dangerous weapon or explosive device; read, or have explained, and acknowledge understanding of the Advice of Penalties and Sanctions Forms; provide the court a current residence address and telephone number prior to release from custody and keep it current while the case is pending; and be able to legally remain in the United States during pendency of the proceeding.

Modification: April 24, 2008, Judge Brooks added drug testing (not to exceed eight times a month)

Date Released on Bond: April 24, 2008

Asst. U.S. Atty.: Mark Conover
(619) 557-5200

Defense Counsel: Martha Hall, appointed
(619) 544-1451

Prior Violation History: None

PS 8C
(05/08)

June 5, 2008

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

FILED
JUN - 5 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

Petition for Summons for Defendant on Pretrial Release

Name of Defendant: Madrigal, Reymundo Marcial (English) **Dkt No.:** 08CR1322-001

Reg. No.: 08132-298

Name of Judicial Officer: The Honorable Ruben B. Brooks, U.S. Magistrate Judge

Next Court Date: August 11, 2008, at 10:30 a.m. (Sentencing)

Charged Offense: 8 USC 1324 (a)(2)(B)(iii)- Bringing in Illegal Alien Without Presentation

Date Conditions Ordered: April 11, 2008, before the Honorable Ruben B. Brooks

Conditions of Release: restrict travel to State of California; report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court; not possess or use any narcotic drug or other controlled substance as defined in 21 U.S.C.§ 802, without a lawful medical prescription; not possess any firearm or other dangerous weapon or explosive device; read, or have explained, and acknowledge understanding of the Advice of Penalties and Sanctions Forms; provide the court a current residence address and telephone number prior to release from custody and keep it current while the case is pending; and be able to legally remain in the United States during pendency of the proceeding.

Modification: April 24, 2008, Judge Brooks added drug testing (not to exceed eight times a month)

Date Released on Bond: April 24, 2008

Asst. U.S. Atty.: Mark Conover
(619) 557-5200

Defense Counsel: Martha Hall, appointed
(619) 544-1451

Prior Violation History: None

PETITIONING THE COURT

TO SUMMON THE DEFENDANT TO APPEAR IN COURT AND ADDRESS THE AMENDED ALLEGATIONS

The Pretrial Services officer believes the defendant has violated the following condition(s) of pretrial release:

CONDITION(S)	ALLEGATION(S) OF NONCOMPLIANCE
(Standard Condition) Not possess or use any narcotic drug or other controlled substance as defined in 21 USC 802, without a lawful medical prescription.	1. On May 5, 2008, the defendant submitted a urine specimen that confirmed positive for the presence of marijuana (228 ng/ml). 2. On May 8, 2008, the defendant submitted a urine specimen that confirmed positive for the presence of marijuana (94 ng/ml). 3. On May 12, 2008, the defendant submitted a urine specimen that confirmed positive for the presence of marijuana (87 ng/ml). 4. On May 14, 2008, the defendant submitted a urine specimen that confirmed positive for the presence of marijuana (94 ng/ml). 5. On May 15, 2008, the defendant submitted a urine specimen that confirmed positive for the presence of marijuana (65 ng/ml). 6. On May 19, 2008, the defendant submitted a urine specimen that confirmed positive for the presence of marijuana (84 ng/ml). 7. On May 24, 2008, the defendant submitted a urine specimen that confirmed positive for the presence of marijuana (95 ng/ml).

Grounds for Revocation: I received and reviewed written laboratory notifications from the U.S. Pretrial Services Laboratory which verify the urine specimens provided by the defendant at Mental Health Systems on May 5, May 15, May 24, 2008, all confirmed positive for marijuana. I received and reviewed written laboratory notifications from the U.S. Pretrial Services Laboratory which verify the urine specimens provided by the defendant at the U.S. Pretrial Services office in the Southern District of California on May 8, May 12, May 14, and May 19, 2008, all confirmed positive for marijuana.

PS 8C
(05/08)

Name of Defendant: Madrigal, Reymundo
Docket No.: 08CR1322-001

June 5, 2008

SUPERVISION ADJUSTMENT

Mr. Madrigal began pretrial supervision on April 24, 2008. Aside from the pending allegations, the defendant has been compliant with all other conditions of release.

Criminal computerized record checks reveal no new arrests or convictions for the defendant.

RECOMMENDATION/JUSTIFICATION

The defendant reported past chronic marijuana use. He stated his last reported use of marijuana was on April 9, 2008 (the day prior to his arrest on April 10, 2008). According to the Laboratory Guidance (provided by Kroll laboratories), clearance time for a chronic user is 4-6 weeks during which time the drug is being eliminated. However, the THC levels found in the defendant's urine specimens in past six weeks are well above the administrative cutoff which is indicative of continued marijuana use.

In summation, it is highly unlikely that a chronic user would provide positive test results above the administrative cutoff after 4-6 weeks of no illicit drug use. Due to the length of time the defendant continues to test positive coupled with the levels of THC present in the recently provided urine specimens, the U.S. Pretrial Services Laboratory concludes the defendant has continued using marijuana while on bond.

The defendant has been cited to appear before Your Honor for Order to Show Cause Hearing on June 5, 2008 at 9:00 a.m.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 5, 2008

Respectfully submitted:
LORI A. GAROFALO
CHIEF PRETRIAL SERVICES OFFICER

by ______________________
Eleonor Ruiz
U.S. Pretrial Services Officer
(619) 557-2991
Place: San Diego, California

Reviewed and approved:

____
Jeff Larsen
Supervising U.S. Pretrial Services Officer

PS 8C
(05/08)

Name of Defendant: Madrigal, Reymundo
Docket No.: 08CR1322-001

June 5, 2008

THE COURT ORDERS:

__✓__ AGREE, an Order to Show Cause Hearing will be held on June 5, 2008, at 9:00 a.m., to show cause why his bond should not be revoked.

________ Other ____

____

____

[signature]

The Honorable Ruben B. Brooks
U.S. Magistrate Judge

6/5/2008
Date